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10/091,573	03/07/2002	Carl Joseph Kraenzel	042846-0312968	7969
909 7590 05/29/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER NGUYEN, TAN D				
ART UNIT		PAPER NUMBER		
3689				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10091573	3/7/2002	KRAENZEL ET AL.	042846-0312968

EXAMINER

Tan Dean D. Nguyen

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3689	20080526

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The Reply Brief filed Feb. 12, 2008 is noted. The main argument is that the phrase "Enabling one or more users to declare and associate" in the first step or element are considered as the "acts of declaring and associating" are "functional actions" and not merely descriptive of the "information" in the same step on page 4, 2nd and 3rd full paragraphs, is not persuasive for the following reasons:

1) The step/element begins with the term "Enabling" which means (1) to make able or (2) to provide with means or opportunity (to do something) or (3) to make possible or effective (Webster's Dictionary, 3rd College Edition, 1988) or the system inherently enable one or more user to do the following tasks or activities, such as to declare and to associate". The system provides the user with a capacity or means to do something or carry out a task. It's not positive clear whether the user carries out the task or not after being enabled. The step/element does not call for "one or more users declaring and associating information with," as being argued on pages 4-5. In other word, the limitations being argued of "the acts of declaring and associating" are not positively cited in the independent claims 1 or 14 or 25.

2) The results of the first 2 steps in independent claims 1 and 14 and 25 are information stored in a database and how they are generated appear to be non-functional descriptive materials since the first step calls for "enabling a user to do something" and the second step calls for "storing the information" which functions as declared information and associated information". Clearly the term "declared information" and "associated information" are non-functional descriptive materials on the information and should not have any patentable weight. Furthermore, the information in Tang are also being considered as being "declared" and "associated" so it can be used to carry out the monitoring and associating and notifying other user steps.

The Examiner's Rejections and arguments in the Appeal Brief submitted on 12/12/07 is maintained in view of the additional examiner's responses above and the case is forwarded to the BPAI for a decision.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689